

**IN THE CLAIMS:**

A complete listing of the claims is set forth below. Please amend the claims as follows:

1. **(Currently Amended)** A system for brokering food order transactions among a plurality of unaffiliated sellers, comprising:

one or more databases containing:

delivery information associated with each of a plurality of ~~buyers including buyers, the delivery information comprises information selected from the group consisting of~~ a maximum delivery time preference of at least one of the plurality of buyers and an indication of how important the delivery time is to the at least one of the plurality of buyers;

substantially real-time availability information identifying particular food items available from each of a plurality of unaffiliated sellers;

pricing information for the particular food items available from each unaffiliated seller; and

delivery information for each unaffiliated seller comprising a delivery area for the unaffiliated seller and substantially real-time delivery time information for the unaffiliated seller based at least in part on a current order backlog for the unaffiliated seller; and

a food order transaction broker operable to:

receive a request for at least one particular food item from a buyer;

generate a list of one or more unaffiliated sellers of the requested particular food item according to a comparison of the requested particular food item with the substantially real-time availability information for each unaffiliated seller and a comparison of the delivery information for the buyer with the delivery area of each unaffiliated seller, the list reflecting the pricing information for the requested particular food item for each listed unaffiliated seller, and the substantially real-time delivery time information for each listed unaffiliated seller; and

initiate a food order transaction concerning the requested particular food item with a particular listed unaffiliated seller selected from the list.

2. **(Previously Presented)** The system of Claim 1, wherein the indication of how important the delivery time is to the buyer includes at least one of an indication that delivery time is very important, an indication that delivery time is important, and an indication that delivery time is unimportant.

3. **(Previously Presented)** The system of Claim 1, wherein the maximum delivery time preference is obtained from the buyer while the buyer is registering as a new user of the system.

4. **(Original)** The system of Claim 1, wherein the substantially real-time delivery time information for at least one of the listed sellers comprises an estimated delivery time determined based on one or more actual delivery times for the listed seller within a predetermined time period preceding the request.

5. **(Original)** The system of Claim 1, wherein the substantially real-time delivery time information for at least one of the listed sellers comprises a recent actual delivery time for the listed seller.

6. **(Original)** The system of Claim 1, wherein the broker is further operable to rank the listed sellers according to at least the substantially real-time delivery time information for each listed seller.

7. **(Original)** The system of Claim 1, wherein:

the one or more databases further contain preference information for the buyer; and

the broker is operable to generate the list according to the preference information for the buyer, the list excluding any sellers for which the pricing information or the substantially real-time delivery time information does not satisfy the preference information for the buyer.

8. **(Previously Presented)** The system of Claim 1, wherein the broker is further operable to communicate to the buyer a suggested alternative particular food item available from one or more of the sellers, along with the pricing information and substantially real-time delivery time information for the alternative particular food item for each of these sellers, if the substantially real-time delivery time information for one or more of the listed sellers exceeds a threshold corresponding to the maximum delivery time preference of the buyer.

9. **(Previously Presented)** The system of Claim 1, wherein the substantially real-time availability information for at least one of the sellers comprises substantially real-time availability information reflecting a current shortage of one or more particular food items normally available from the seller.

10. **(Original)** The system of Claim 1, wherein:

the one or more databases further contain rating information for one or more of the sellers; and

the broker is further operable to communicate to the buyer the rating information for at least one listed seller in association with the pricing and substantially real-time delivery time information for the listed seller.

11. **(Original)** The system of Claim 1, wherein the broker is further operable to:  
communicate the list to the buyer;  
receive from the buyer a selection of a particular listed seller; and  
initiate the food order transaction with the particular listed seller in response to the  
selection.

12. **(Original)** The system of Claim 1, wherein the broker is further operable to  
select the particular listed seller automatically according to at least the substantially real-  
time delivery time information for all of the listed sellers.

13. **(Currently Amended)** Software for brokering food order transactions among a plurality of unaffiliated sellers, the software being embodied in a computer-readable medium and when executed by a computer operable to:

receive a request for at least one particular food item from a buyer;

access one or more databases containing:

delivery information for the buyer including buyer, the delivery information comprises information selected from the group consisting of a maximum delivery time preference of the buyer and an indication of how important the delivery time is to the buyer;

substantially real-time availability information identifying particular food items available from each of a plurality of unaffiliated sellers;

pricing information for the particular food items available from each unaffiliated seller; and

delivery information for each unaffiliated seller comprising a delivery area for the unaffiliated seller and substantially real-time delivery time information for the unaffiliated seller based at least in part on a current order backlog for the unaffiliated seller;

generate a list of one or more unaffiliated sellers of the requested particular food item according to a comparison of the requested particular food item with the substantially real-time availability information for each unaffiliated seller and a comparison of the delivery information for the buyer with the delivery area of each unaffiliated seller, the list reflecting the pricing information for the requested particular food item for each listed unaffiliated seller, and the substantially real-time delivery time information for each listed unaffiliated seller; and

initiate a food order transaction concerning the requested particular food item with a particular listed unaffiliated seller selected from the list.

14. **(Previously Presented)** The software of Claim 13, wherein the indication of how important the delivery time is to the buyer includes at least one of an indication that delivery time is very important, an indication that delivery time is important, and an indication that delivery time is unimportant.

15. **(Previously Presented)** The software of Claim 13, wherein the maximum delivery time preference is obtained from the buyer while the buyer is registering as a new user of the system.

16. **(Original)** The software of Claim 13, further operable to rank the listed sellers according to at least the substantially real-time delivery time information for each listed seller.

17. **(Original)** The software of Claim 13, wherein:

the one or more databases contain preference information for the buyer; and

the software is further operable to generate the list according to the preference information for the buyer, the list excluding any sellers for which the pricing information or the substantially real-time delivery time information does not satisfy the preference information for the buyer.

18. **(Previously Presented)** The software of Claim 13, further operable to initiate communication to the buyer of a suggested alternative particular food item available from one or more of the sellers, along with the pricing information and substantially real-time delivery time information for the alternative particular food item for each of these sellers, if the substantially real-time delivery time information for one or more of the listed sellers exceeds a threshold corresponding to the maximum delivery time preference of the buyer.

19. **(Previously Presented)** The software of Claim 13, wherein the substantially real-time availability information for at least one of the sellers comprises substantially real-time availability information reflecting a current shortage of one or more particular food items normally available from the seller.

20. **(Original)** The software of Claim 13, wherein:

the one or more databases contain rating information for one or more of the sellers; and

the software is further operable to initiate communication to the buyer of the rating information for at least one listed seller in association with the pricing and substantially real-time delivery time information for the listed seller.

21. **(Original)** The software of Claim 13, further operable to:

initiate communication of the list to the buyer;

receive from the buyer a selection of a particular listed seller; and

initiate the food order transaction with the particular listed seller in response to the selection.

22. **(Original)** The software of Claim 13, further operable to select the particular listed seller automatically according to at least the substantially real-time delivery time information for all of the listed sellers.

23. **(Currently Amended)** A system for brokering food order transactions among a plurality of unaffiliated sellers, comprising:

means for storing:

delivery information associated with each of a plurality of ~~buyers including buyers~~, the delivery information comprises information selected from the group consisting of a maximum delivery time preference of at least one of the plurality of buyers and an indication of how important the delivery time is to the at least one of the plurality of buyers;

substantially real-time availability information identifying particular food items available from each of a plurality of unaffiliated sellers;

pricing information for the particular food items available from each unaffiliated seller; and

delivery information for each unaffiliated seller comprising a delivery area for the unaffiliated seller and substantially real-time delivery time information for the unaffiliated seller based at least in part on a current order backlog for the unaffiliated seller;

means for receiving a request for at least one particular food item from a buyer;

means for generating a list of one or more unaffiliated sellers of the requested particular food item according to a comparison of the requested food item with the substantially real-time availability information for each unaffiliated seller and a comparison of the delivery information for the buyer with the delivery area of each unaffiliated seller, the list reflecting the pricing information for the requested particular food item for each listed unaffiliated seller, and the substantially real-time delivery time information for each listed unaffiliated seller; and

means for initiating a food order transaction concerning the requested particular food item with a particular listed unaffiliated seller selected from the list.

24. **(Currently Amended)** A computer-implemented method of brokering food order transactions among a plurality of unaffiliated sellers, the method performed using a computer system comprising one or more processing units, the method comprising:

using the one or more processing units, receiving a request for at least one particular food item from a ~~buyer and an indication of how important the delivery time is to the at least one of the plurality of buyers; buyer;~~

using the one or more processing units, accessing one or more databases containing:

~~delivery information for the buyer including buyer, the delivery information comprises information selected from the group consisting of a maximum delivery time preference of the buyer; buyer and an indication of how important the delivery time is to the at least one of the plurality of buyers;~~

substantially real-time availability information identifying particular food items available from each of a plurality of unaffiliated sellers;

pricing information for the particular food items available from each unaffiliated seller; and

delivery information for each unaffiliated seller comprising a delivery area for the unaffiliated seller and substantially real-time delivery time information for the unaffiliated seller based at least in part on a current order backlog for the unaffiliated seller;

using the one or more processing units, generating a list of one or more unaffiliated sellers of the requested particular food item according to a comparison of the requested food item with the substantially real-time availability information for each unaffiliated seller and a comparison of the delivery information for the buyer with the delivery area of each unaffiliated seller, the list reflecting the pricing information for the requested particular food item for each listed unaffiliated seller, and the substantially real-time delivery time information for each listed unaffiliated seller; and

using the one or more processing units, initiating a food order transaction concerning the requested particular food item with a particular listed unaffiliated seller selected from the list.

25. **(Previously Presented)** The method of Claim 24, wherein the indication of how important the delivery time is to the buyer includes at least one of an indication that delivery time is very important, an indication that delivery time is important, and an indication that delivery time is unimportant.

26. **(Previously Presented)** The method of Claim 24, wherein the maximum delivery time preference is obtained from the buyer while the buyer is registering as a new user of the system.

27. **(Original)** The method of Claim 24, wherein the substantially real-time delivery time information for at least one of the listed sellers comprises an estimated delivery time determined based on one or more actual delivery times for the listed seller within a predetermined time period preceding the request.

28. **(Original)** The method of Claim 24, wherein the substantially real-time delivery time information for at least one of the listed sellers comprises a recent actual delivery time for the listed seller.

29. **(Previously Presented)** The method of Claim 24, further comprising using the one or more processing units, ranking the listed sellers according to at least the substantially real-time delivery time information for each listed seller.

30. **(Original)** The method of Claim 24, wherein:

the one or more databases contain preference information for the buyer; and

the method further comprises generating the list according to the preference information for the buyer, the list excluding any sellers for which the pricing information or the substantially real-time delivery time information does not satisfy the preference information for the buyer.

31. **(Previously Presented)** The method of Claim 24, further comprising using the one or more processing units, communicating to the buyer a suggested alternative particular food item available from one or more of the sellers, along with the pricing information and substantially real-time delivery time information for the alternative particular food item for each of these sellers, if the substantially real-time delivery time information for one or more of the listed sellers exceeds a threshold corresponding to the maximum delivery time preference of the buyer.

32. **(Previously Presented)** The method of Claim 24, wherein the substantially real-time availability information for at least one of the sellers comprises substantially real-time availability information reflecting a current shortage of one or more particular food items normally available from the seller.

33. **(Previously Presented)** The method of Claim 24, wherein:

the one or more databases contain rating information for one or more of the sellers; and

the method further comprises using the one or more processing units, communicating to the buyer the rating information for at least one listed seller in association with the pricing and substantially real-time delivery time information for the listed seller.

34. **(Previously Presented)** The method of Claim 24, further comprising:

using the one or more processing units, communicating the list to the buyer;

using the one or more processing units, receiving from the buyer a selection of a particular listed seller; and

using the one or more processing units, initiating the food order transaction with the particular listed seller in response to the selection.

35. **(Previously Presented)** The method of Claim 24, further comprising using the one or more processing units, selecting the particular listed seller automatically according to at least the substantially real-time delivery time information for all of the listed sellers.

36. **(Previously Presented)** The method of Claim 13, wherein the substantially real-time delivery time information for at least one of the listed sellers comprises an estimated delivery time determined based on one or more actual delivery times for the listed seller within a predetermined time period preceding the request.

37. **(Previously Presented)** The method of Claim 13, wherein the substantially real-time delivery time information for at least one of the listed sellers comprises a recent actual delivery time for the listed seller.